



MEMORANDUM

To: Glen Markegard, Planning Manager

From: Liz O'Day, Planning Intern

Date: August 14, 2015

Subject: Comparison of Standards and Regulations of Firearms Dealers

1) INTRODUCTION

There are a number of statewide regulations involving firearms sales. The standards typically vary from state to state; some states have restrictive firearms sales in place while other states are relatively lax. This report will identify ordinances regulating firearm sales in a variety of states across the US and offer a comparison matrix (Appendix A) analyzing firearm regulation among the ten largest suburbs in the Twin Cities Metro area. The research was provided through the American Planning Association's Planning Advisory Service. Table 1 identifies the ordinances reviewed by state.

Table 1: Ordinances Reviewed by City through PAS

State	City
California	Alameda County
	Culver City
	Chino
	East Palo Alto
	Kern
	Lafayette
	Pacifica
	Pleasant Hills
	Santa Clarita
Colorado	Brighton
Georgia	Snellville
Illinois	Franklin Park
	Northbrook
	North Riverside
	Sauk
Nevada	Carson City
North Carolina	Raleigh
Pennsylvania	Pittsburg
Texas	Allen

2) HOME OCCUPATION

A number of cities in the United States regulate firearm sales as a home occupation. Some cities prohibit firearms dealers to store and sell ammunition, firearms and explosives on the premises. For example, Brighton, Colorado bans the sale of firearms on site but only permits the exchange of firearms at gun shows. Carson City, Nevada allows for firearm sales as a home occupation but it is not permitted to conduct business with clients on site, with the exception of federal firearm licensed gun dealers. Other communities require dealers to obtain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco and Firearms. Kern, California has tight firearm regulations including a requirement to obtain an FFL, a seller's license from the state board and a certificate from the Department of Justice. Other regulations require no outdoor storage, no deliveries greater than normal in residential areas, no noise or smell, no signs and no more than 25% of floor area may be used for such a purpose.

3) ZONING PROVISIONS

It is particularly common for municipalities to include firearm zoning provisions in their ordinances. Culver City, CA and Pittsburg, CA has a 1000 foot distance requirement from any school, parks, playgrounds and other firearm stores. Other communities have varying land use regulations. Franklin Park, IL allows firearm sales as a permitted use in the Business Opportunity Overlay District which includes the I-2 Industrial District. Lafayette, CA allows firearm sales as a conditional use in the commercial and business district but not in the industrial district.

4) REGULATIONS OF FIREARMS AS A DISTINCT USE

Many communities require special regulations regarding installment of security plans. In Chino, CA, the police department will investigate the applicant's personal history, building review, compliance with local, state and federal laws, and moral character of the applicant. North Riverside, IL outlines a number of conditions that must be met before obtaining a firearms license. Those conditions include:

- The applicant being the one who owns, operates and maintains the firearms retail store that is leased to the applicant with a duration of not less than three years,
- Gun sales may not exceed 20% of total retail area of the store
- Must obtain a valid general retail merchandising permit
- Gun sales shall be only those used for hunting or target shooting, no sale of handguns allowed
- Must be located in a business district zoning area

All conditions will be inspected and reviewed by the police chief.

Pleasant Hills, CA requires the applicant to obtain a police permit and local business permit. The police chief will inspect and review applicant and must be given an annual report created by the applicant. Also, the applicant must install an alarm system by a third party and a video surveillance system that meets all security requirements. Lastly, the building must have windows with bars, metal grates with spaces no larger than 6 inches and windowless doors.

5) **LOCAL LICENSING PROVISIONS WITH LAND USE REQUIREMENTS**

The only local licensing provision that was researched is in Northbrook, IL. Obtaining a FFL will not be issued unless firearms and ammunition be stored in locked cases and an inspection of the premises, if required by the community.

COMPARISON OF STANDARDS OF FIREARM DEALERS IN THE TEN LARGEST TWIN CITIES SUBURBAN COMMUNITIES (Appendix A)

City	Contact	Mail order only as home based business?	Allowed in industrial districts? If so, is retail allowed?	Classified as retail or another category? If so, what is approval process?	Special standards?	Security plan required?	Licensed?
Brooklyn Park	Todd Larson 763-493-8069	Yes – but must obtain a home occupation license	Yes, 10% of building. 10% or more for a CUP	Retail	None	No, but must work with Police Dept	Federal License, no City license
Plymouth	Marie Darling 763-509-5457	No	No retail sales in industrial	Allowed under sporting goods category	None	No	Yes, through the Bureau of Alcohol, Tobacco and Firearms
Eagan ¹	Mike Ridley 651-675-5650	No retail in homes in general					Yes, through the Bureau of Alcohol, Tobacco and Firearms
Coon Rapids	Scott Harlicker 763-767-6452	No	Not allowed in industrial areas	Permitted Use in Community Commercial, and General Commercial	None	No	Yes
Burnsville	Jane Hovind 952-895-4455	Can sell from home (home occupation ordinance)	Not allowed in industrial areas	Categorized under Sporting Goods; allowed in B-2 (neighborhood business), B-3 (general business) and HOC (Heart of the City)	None	No	Regulated through ATF; no local licensing requirements or conditions of approval
Eden Prairie	Steven Durham 952-949-8491	Yes, one as home based business	Allowed in industrial district with 15% of floor area as retail	Yes, as retail	Only special standards with Fed gov't	Reviews with Police Dept	No
Minnetonka	Ashley Cauley 952-939-8298	Currently amending code to not allow as home based business	Allowed in industrial areas with retail 25% of floor area – accessory use 25%-50% of floor area – conditional use	Yes, as retail	Selling ammunition goes through different process	No	Yes
Maple Grove	Dick Edwards 763-494-6045	Not allowed	Not allowed	Not allowed			
Edina ²	Joyce Repya 952-826-0462		No retail in industrial	Not allowed			

¹ No firearm dealer in zoning ordinance or City Code

² No firearm dealer in zoning ordinance or City Code